







Amendment to Book B of the 2018 Proposed Budget

**DELETE** Budget Resolutions 93 and 94 and **REPLACE** them with:

93. RESOLVED, that the County Executive, County Comptroller, District Attorney and County Clerk are hereby authorized to fill new positions added with amendments to the 2018 Budget at a variable minimum not to exceed step 5; and be it further

94. RESOLVED, that the Director of Budget and Management is hereby authorized to renumber all Budget Resolutions to include and incorporate budget resolutions and amendments approved by the Erie County Legislature; and be it further

95. RESOLVED, that certified copies of these budget resolutions and amendments be sent to the Comptroller, Sheriff, District Attorney, County Clerk and all Erie County Department Heads.

JOSEPH C. LORIGO  
CHAIR

MR. LORIGO moved to separate item Number 2-A, and approve the balance of the report.  
MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to separate from COMM. 19E-9 AS AMENDED, Book A, page 144, the allocation from Youth Development Programs (Account 517876, to Police Athletic League), and moved to approve the balance of COMM. 19E-9 AS AMENDED. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve the separated item. MR. BURKE seconded. MR. SAVAGE abstained.

CARRIED 10-0-1.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting 21 and Meeting 22 from 2017. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. LORIGO presented a resolution Congratulating the West Seneca West Football Team on Being the 2017 New York State Public High Schools Athletic Association Class A Champions.

Item 6 – MR. LORIGO presented a resolution Congratulating Matt Myers from West Seneca West High School on Being Named the 46th Annual New York State Public High School Athletic Association Connolly Cup Award Winner for 2017.

Item 7 – MR. MILLS presented a resolution Honoring Gary A. Eppolito as the Erie County Legislature's Citizen of the Month for December 2017, and Recognize his Service to the Town of Concord and the Community.

Item 8 – MR. MILLS presented a resolution Congratulating the 2017 Eden High School's Boys Volleyball Team on an Outstanding Season and its First New York State Championship.

Item 9 – MR. RATH presented a resolution Congratulating Dr. Barry Weinstein on his Retirement and Many Years of Public Service to the Residents of the Town of Amherst.

MR. LORIGO moved for consideration of the above five items. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above five items to include one miscellaneous resolution from MR. MORTON, and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above six items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 10 – CHAIR MILLS directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 21 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 22 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 23 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

November 30, 2017	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 21E-34 (2017)  
**SHERIFF:** “Division of Correctional Health - Addiction Assistance Program – Review of Measures Taken to Combat Opioid Crisis”  
(6-0)
  - b. COMM. 21D-7 (2017)  
**COMMISSIONER, DEPARTMENT OF MENTAL HEALTH:** “EC Addiction Hotline and Forensic Mental Health Job Positions Report - Review of Measures Taken to Combat Opioid Crisis”  
(Chair’s Motion)
2. COMM. 20E-18 (2017)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$325,000 for the 12-month period beginning 10/1/17 by Substance Abuse and Mental Health Services Administration (SAMHSA) as part of a grant to continue offering expanded and enhanced Drug Court navigation program services to affected individuals and their family members; and

WHEREAS, the New York State Office of Mental Health had previously selected the Erie County Department of Mental Health to oversee the provision of the related services; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the additional Federal funds and to maintain a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to continue serving high-risk individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept SAMHSA grant funds and to have the Department of Mental Health oversee the provision of related services by amending its contract with Research Foundation of SUNY, and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health  
Grant Fund 281, Fund Center 12410  
October 1, 2017 - September 30, 2018  
124SAMHSA1718

Revenue	Increase
Account 414000 - Federal Revenue	\$325,000
Appropriation	Increase
Account 517764 – Research Foundation OMH	\$325,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with Research Foundation of SUNY on January 23, 2014 (Comm. 1E-7); and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

(6-0)

3. **COMM. 21E-29 (2017)**  
**COUNTY EXECUTIVE**

WHEREAS, group respite programs provide a safe, supervised, entertaining environment for memory impaired adults, thereby allowing their family caregivers temporary relief; and

WHEREAS, the Department of Senior Services is working to cost efficiently expand services for frail older adults in Erie County by partnering with faith-based institutions to provide group respite programs; and

WHEREAS, the Department of Senior Services has identified two additional area churches to begin this initiative, including Asbury United Methodist Church and Holland United Methodist Church; and

WHEREAS, the Department of Senior Services plans on providing each of the identified churches with a one-time payment of \$1,000 to cover program startup expenses; and

WHEREAS, budgetary appropriations are available in the 163CSE1718 grant's Professional Services Contracts and Fees account to fund the contracts with the churches.

**NOW THEREFORE BE IT**

**RESOLVED**, that the County Executive be and is hereby authorized to enter into contracts, not to exceed \$1,000 each, with Asbury United Methodist Church and Holland United Methodist Church, to begin group respite programs; and be it further

**RESOLVED**, that budgetary appropriations in the 163CSE1718 grant's Professional Services Contracts and Fees account be utilized to fund the contracts with the consultant and churches; and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Department of Law and the Department of Senior Services.

(6-0)

**LYNNE M. DIXON  
CHAIR**

Item 24 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

**CARRIED UNANIMOUSLY.**

**RESOLUTION NO. 244**

November 30, 2017

**GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 10**

**ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.**

1. **COMM. 20E-14 (2017)  
COUNTY EXECUTIVE**

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling \$750,000 to the County for the provision of indigent defense services at first appearance, and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society to deliver the services required through the grant,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$750,000 over three years from January 1, 2017 to December 31, 2019 to provide enhanced representation to indigent defendants at first appearance; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a three year subcontract with the Erie County Bar Association Aid to Indigent Prisoners Society to deliver said services from January 1, 2017 to December 31, 2019; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office  
ILS Counsel at First Appearance #2 Grant  
Grant Fund 281 160CAFA2ILS1719  
January 1, 2017 to December 31, 2019

Revenue	Increase
Account 409000 - State Aid Revenue	\$750,000
Appropriation	Increase
Account 516602 - EC Bar Association	\$750,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.

(6-0)

2. COMM. 21E-25 (2017)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature hereby confirms the appointment, on the recommendation of the County Executive, of Kimberly Johnson of 76 Benwood Avenue, Buffalo,

NY 14214 to the Buffalo and Erie County Public Library Board of Directors, for a term expiring on December 31, 2019.

(6-0)

3. COMM. 21E-26 (2017)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature hereby confirms the appointment, on the recommendation of the County Executive, of the following individuals to serve on the Erie County Commission on the Status of Women, for terms expiring on December 31, 2020:

Betsy Drewniak	Tamara Z. Lewis	Judith Olin	Heidi Romer
15 Nye Hill Rd	40 Bame Ave	59 Saybrook Pl	130 Stillwell Ave, Lower Apt
East Aurora, NY 14053	Buffalo, NY 14215	Buffalo, NY 14209	Kenmore, NY 14217

(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 25 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

November 30, 2017	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 20E-7 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Goodrich Road CR216 Reconstruction Project (the “Project”) contract was awarded to Concrete Applied Technologies Corp. (CATCO), the responsible low bidder on August 31, 2015 via Comm. 8E-4 of April 24, 2014 and Comm. 7E-5 of April 23, 2015; and

WHEREAS, the Project required additional work, approved by the Department of Public Works (DPW), for excavation of the sub-base material (undercut) due to the poor soil qualities; and

WHEREAS, New York State Department of Conservation and US Army Corps of Engineers Wetlands required wetland mitigation for the Project’s associated permits; and

WHEREAS, Erie County Soil & Water Conservation District (ECS&W) performed this specialized work for the Project, at the direction of DPW, in Beeman Creek Park, Town of Clarence.

WHEREAS, it is necessary to allocate additional funds for the Project in the amount of \$170,615 and authorize the execution of a Change Order to CATCO's construction contract and an amendment to ECS&W's technical services agreement to process payment and close the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Goodrich Road Reconstruction Project Number CAP-216-15 budget be increased by \$170,615; and be it further

RESOLVED, that the additional funds for the Project be allocated from Fund 420, Funds Center 123, SAP Projects B.14014, 2014 Preservation of Roads Program in an amount of \$136,768 and B.15001, 2015 Preservation of Roads Program in an amount of \$33,847; and be it further

RESOLVED, that the County Executive be authorized to execute a Change Order for the Goodrich Road Reconstruction Project Number CAP-216-15, with the contractor, CATCO in the amount of \$130,000, and to authorize the County Executive to enter into an amendment to ECS&W's technical services agreement with ECS&W in the amount of \$40,615; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

2. **COMM. 20E-9 (2017)**

**COUNTY EXECUTIVE**

WHEREAS, New York State Electric and Gas Corporation (NYSEG) has requested a permanent Right of Way and Easement over, under, along and/or through the County Owned parcel located on Walden Avenue, Alden, New York SBL# 96.00-5-1; and

WHEREAS, this Right of Way and Easement would be along the southerly side of Walden Avenue and used to extend utility service to a solar generation facility being developed near the Erie County Correctional Facility; and

WHEREAS, it is necessary that this approval be granted to allow this Right of Way and Easement to be issued so that construction of the solar generation facility could be completed; and

WHEREAS, authorization to grant an easement for utility services is contingent upon the review and approval of the Architectural Review Committee for the above referenced easement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to grant an easement for utility services at the County Owned parcel located on Walden Avenue, Alden, New York SBL# 96.00-5-1 to NYSEG; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the

Division of Budget and Management, the Department of Environment and Planning, Office of the Commissioner, County Attorney and the Office of the Comptroller.

(6-0)

3. COMM. 20E-10 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the existing 35 year old roof system at Erie County Community College North Campus Spring Student Center is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Erie County Department of Public Works received A/E professional design proposals for Erie County Community College North Campus Spring Student Center on February 14, 2017; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Bell & Spina Architects Planners P.C, to provide professional design and construction administration services for Erie Community College North Campus Spring Student Center Roof Replacement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Bell & Spina Architects Planners P.C. to provide professional design and construction document services for the Erie Community College North Campus Spring Student Center Roof Replacement project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project account E.15003 – 2015 ECC Roof Replacement & Waterproofing Collegewide, an amount not to exceed \$200,000, including reimbursables and a design contingency; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College, Director of Finance and the Office of the Comptroller.

(6-0)

4. COMM. 20E-11 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Youth Detention Facility – 2016 Interior Housing Unit renovations project on August 31, 2017; and

WHEREAS, the Division of Youth Services is required to provide a safe and secure environment for youth held at the Youth Detention Facility, and

WHEREAS, the Erie County Department of Public Works and the Architectural and Engineering consultant, Zaxis P.C., are recommending award of construction contracts to the lowest responsible bidders; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Zaxis P.C. for providing design, construction documents, and construction administrative services for Erie County Youth Detention Facility – 2016 Interior Housing Unit Renovations.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management is hereby authorized to transfer funds in the 2017 Budget in order to fully fund the 2017 Interior Housing Unit Renovations project in the Youth Services Division as follows:

Expense	Increase/(Decrease)
Division of Youth Services	
Fund 110 - Fund Center 12520	
516020 Professional Services	(117,720)
570050 Inter-fund Transfer to Capital	<u>117,720</u>
Total	0
Fund 410 - Project A.17031	
Renovations to Secure Youth Detention Facility	
Revenue	Increase
486000 Inter-fund Revenue Subsidy	117,720
Expense	
Capital Projects	<u>117,720</u>
Net	0

; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for Erie County Youth Detention Facility – 2016 Interior Housing Unit Renovations project for an amount not to exceed as follows:

General Construction Work:

Trason	Base Bid	\$ 463,000
	Add Alt 1	\$ 352,000
	Add Alt 2A	\$ 46,000
	Add Alt 2B	<u>\$ 46,000</u>
Total GC Contract Not To Exceed		\$ 907,000

Mechanical Work:

Willet Builders	Base Bid	\$ 28,900
	Add Alt 1	<u>\$ 26,000</u>
Total Mechanical Contract Not to Exceed		\$ 54,900

Electrical Work:

Wydman	Base Bid	\$ 34,000
	Add Alt 1	\$ 29,000
	Add Alt 3A	\$ 33,000
	Add Alt 3B	\$ 33,000
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	Total Electrical Contract Not to Exceed	\$ 129,000

Plumbing and Fire Protection Work:

MKS	Base Bid	\$ 37,700
	Add Alt 1	\$ 36,500
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	Total Plumbing Contract Not to Exceed	\$ 74,200

Total Contract Award Not to Exceed \$ 1,165,100

;and be it further

RESOLVED, that the sum of \$25,000.66 from SAP project account A.17031 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that savings from change order reductions will result in these funds being placed into the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Zaxis Architectural, PC for providing professional A/E design, construction documents and construction administration services for Erie County Youth Detention Facility – 2016 Interior Housing Unit Renovations project, including a design contingency and reimbursable costs for an amount not to exceed \$12,550; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from the SAP project accounts, Fund 410, BA 122, SAP Accounts:

A.16036 – Renovation to Secure Youth Detention Facility	\$ 520,430.66
A.17031 – Renovation to Secure Youth Detention Facility	\$ 682,220.00
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For a Total Amount Not To Exceed	\$ 1,202,650.66

;and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

5. COMM. 21E-8 (2017)

**COUNTY EXECUTIVE**

WHEREAS, previously approved resolution Comm. 19E-5 (2017) requested approval of the above federal aid project; authority for the County Executive to execute all necessary agreements, certifications or reimbursement requests for the project with the New York State Department of Transportation; and authority to execute an inter-municipal agreement with the Village of Kenmore

addressing the Village's responsibility for 100% of the local share of project costs including any overruns; and

WHEREAS, that same resolution requested that the Erie County Office of the Comptroller establish a new capital project for the total amount of \$125,000 in Fund 420, Funds Center 123, and accept Federal revenue in the amount of \$100,000 (G/L Account 414000) and Village of Kenmore revenue of \$25,000 (G/L 420499); and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Phases I-VI) and Right-of-Way Incidentals Phases of the Project; and

WHEREAS, it is desired to execute a contract with the selected consultant Clark Patterson Lee (CPL) in the amount of \$125,000 for Preliminary Engineering (Phases I-VI) and Right-of-Way Incidentals; and

WHEREAS, upon completion of the Preliminary Engineering (Phases I-VI) and Right-of-Way Incidentals phases of the project and execution of the necessary construction phase State-Local Agreement with NYSDOT it is desired to negotiate and execute a contract amendment with CPL for engineering services during construction and construction inspection.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with Clark Patterson Lee for Preliminary Engineering (Phases I-VI) and Right-of-Way (ROW) Incidentals phases of the Project in the total amount of \$125,000 which will be appropriated from a new capital project to be established by the Office of the Comptroller for the total amount of \$125,000 in Fund 420, Funds Center 123 and to accept Federal revenue of \$100,000 (G/L Account 414000) and Village of Kenmore revenue of \$25,000 (G/L 420499) which will fund the cost of said services; and be it further

RESOLVED, that upon completion of the Preliminary Engineering (Phases I-VI) and ROW Incidentals phases of the project and execution of the necessary construction phase State Local Agreement with NYSDOT the County Executive be authorized to negotiate and execute an agreement for engineering services during construction and construction inspection for the Project with Clark Patterson Lee in an amount not to exceed that provided for in the State-Local Agreement; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.  
(6-0)

6. COMM. 21E-9 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, it is desired to acquire the Right-of-Way (ROW) necessary for the replacement of a culvert on Hayes Hollow Road in the Town of Colden for the "Project"; and

WHEREAS, in order to facilitate construction of the Project it will be necessary for the County to acquire by easement and/or fee, such parcels as may become necessary for construction, including parcels that are portions of real property in the vicinity of the project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 259.00-2-6.2	Colden

Such property necessary to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, the acquisition of the portions of the Subject Properties is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that \$75,000 was previously authorized via resolution reference Comm. 1E-8 of January 26, 2017 and be made available from B.16006 to cover all costs of Project ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CHA Consulting, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CHA Consulting Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CHA Consulting Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including CHA Consulting, Inc., the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

7. COMM. 21E-10 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works, as part of its duties and responsibilities, maintains various County buildings within the City of Buffalo; and

WHEREAS, the City of Buffalo provides garbage and recycling bin pick-up; and

WHEREAS, the current Memorandum of Understanding (MOU) has is outdated; and

WHEREAS, the Department of Public Works has negotiated with the City of Buffalo to pay for said garbage and recycling bin pick-up services; and

WHEREAS, the terms of this arrangement are favorable to the County and adequate funding for all associated costs for 2017 is available in the 2017 Department of Public Works Budget, GL account 520050-Garbage Disposal, Fund 110, Fund Center 12220.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to sign a Memorandum of Understanding (MOU) between the County of Erie and the City of Buffalo for the City to pick up trash and recycling bins at several County-owned buildings; and be it further

RESOLVED, that the cost to Erie County is \$5,000 per month and that this MOU shall be reviewed annually and renewed automatically unless one or both parties agree to terminate the arrangement upon reasonable notice to the other; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Department of Public Works, the Director of Budget and Management, the County Attorney and the County Comptroller.

(6-0)

8. **COMM. 21E-11 (2017)**  
**COUNTY EXECUTIVE**

WHEREAS, restoration and repairs to Houses 1, 4, 7, 10, 11 & 12 will correct and preserve the glass and masonry structures which are failing due to ongoing water penetration and dampness that is inherent to this type of structure. House 1, 11 and 12 face the front of the facility and the repairs will improve their appearance and function alongside with the recently completed Houses 2 & 3; and

WHEREAS, the Erie County Department of Public Works received A/E professional design proposals for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Project on September 8, 2017; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Foit Albert Associates to provide professional design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Fund 480, Funds Center 122, SAP Project A.16002 – 2016 Botanical Gardens Rehabilitation, for an amount not to exceed \$150,000, including reimbursable costs and a design contingency; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College, Director of Finance and the Office of the Comptroller.

(6-0)

9. **COMM. 21E-12 (2017)**  
**COUNTY EXECUTIVE**

WHEREAS, this Honorable Body approved the above project and award of a construction contract to the lowest responsible bidder via Comm. 13E-9 (July 27, 2017); and

WHEREAS, this original authorization carried a construction funding limit of \$200,000; and

WHEREAS, a single bid was received for the project in the amount of \$245,960 from Hohl Industrial Services, Inc.; and

WHEREAS, it was determined that it was in the best interest of the County to accept the single bid submitted; and

WHEREAS, in order to accept the bid additional funding for construction and a suitable contingency is required; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder, Hohl Industrial Services, Inc, in the amount of \$245,960 and to establish an approximate 12% contingency in the amount of \$29,040 for a new not to exceed amount of \$275,000; and

WHEREAS, this requires that additional funding in the total amount of \$75,000 be added to the original funding of \$200,000; and

WHEREAS, this additional amount of \$75,000 is available from Fund 420, Funds Center 123 SAP Projects B.15014 Dam Preservation, Rehabilitation and Regulatory Compliance Construction Countywide (\$25,000) and B.16050.1.3 Como Lake Dam Construction (\$50,000).

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds from Fund 420, Funds Center 123 SAP Projects B.15014 Dam Preservation, Rehabilitation and Regulatory Compliance Construction Countywide (\$25,000) and B.16050.1.3 Como Lake Dam Construction (\$50,000) be made available for construction of the Project and be added to the originally authorized project funds for a not to exceed total of \$275,000; and be it further

RESOLVED, that the County Executive be authorized to award a construction contract to the lowest responsible bidder, Hohl Industrial Services, Inc., in the amount of \$245,960 and to establish a contingency of \$29,040 for an overall not to exceed total of \$275,000; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.  
(6-0)

10. COMM. 21E-14 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant (CDBG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$2,700,000 annually in Community Development Block Grant Funds from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low- and moderate-income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with LaBella Associates, DPC in an amount not to exceed \$30,000 for the purpose of undertaking household income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the source of said funds shall be Project Number WBS-J.00517.2.11 for the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the County Executive's Office; the County Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> floor.

(6-0)

11. COMM. 21E-15 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning administers the federal Emergency Solutions Grant (ESG) Program on behalf of thirty-four municipalities comprising the Erie County Community Development Block Grant Consortium; and

WHEREAS, said Consortium receives approximately \$218,000 annually in ESG funds from the United States Department of Housing and Urban Development; and

WHEREAS, said funds benefit the homeless population and those who are at risk of being homeless; and

WHEREAS, the ESG program provides a critical service by preventing residents from becoming homeless and rapidly re-housing those already in a homeless shelter.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Restoration Society, Inc. in an amount not to exceed \$190,000 for the purpose of undertaking Homeless Prevention and Rapid Rehousing services within the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Homeless Alliance of WNY in an amount not to exceed \$12,000 for the purpose of providing Homeless Management Information System (HMIS) services within the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the source of said funds shall be Project Number WBS J.00617.2 for the Emergency Solutions Grant Program; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the County Executive's Office; the County Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> floor.  
(6-0)

12. COMM. 21E-36 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, Commissioner of Public Works desires to engage the services of Environmental Service Consultants in order to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on various County projects; and

WHEREAS, the Department of Public Works advertised for Countywide Hazardous materials Design and/or Sample Testing and Air Monitoring consulting firms and received proposals on June 19, 2017 ; and

WHEREAS, after careful review of each firm's capabilities, several firms were selected having the necessary expertise, experience, and manpower to provide the required services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Watts Architecture & Engineering PC and LiRo Engineers, Inc. to provide Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and be it further

RESOLVED, that the sum of \$150,000 be allocated for said environmental consulting service fees to be paid to the selected consultants, with a maximum contract value of \$75,000 each; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.17004 for a total amount not to exceed \$150,000; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 26 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18E-7 (2017)  
**LORIGO:** "Request to Director of Budget and Management for Budget Hearing Information"  
(Chair's Motion)
  - b. COMM. 19E-8 (2017)  
**COUNTY EXECUTIVE:** "NYS Real Property Tax Law Section 458-b - Making the Cold War Veteran's Exemption Permanent for as Long as Such Veteran Remains a Qualifying Owner of Qualifying Property"  
(Chair's Motion)
  - c. COMM. 20E-16 (2017)  
**COMPTROLLER:** "2017 Revenue Anticipation Note Notification"  
(Chair's Motion)
  - d. COMM. 20D-7 (2017)  
**DIRECTOR, DEPARTMENT OF BUDGET & MANAGEMENT:** "Budget Monitoring Report for Period Ending Aug. 2017"  
(Chair's Motion)
  - e. COMM. 21E-24 (2017)  
**COMPTROLLER:** "Interim Financial Report for the Nine-Month Period Ended Sept. 30, 2017"  
(Chair's Motion)

2. COMM. 3D-6 (2017)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and/or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 217176 through 217194, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

	ASSESSOR	Refund	\$642.33	
S-B-L	16.02-1-18	1095 New Rd	142289 AMHERST	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$642.33	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$642.33	
	Relevy School		\$642.33	142203 WILLIAMSVILLE

CENT

RPTL550(2): NYS approved hardship  
Refund check to be issued to Bruce Sterling.

FISCAL YEAR 2017                      Petition No.                      217,177.00

	ASSESSOR	Refund	\$832.02	
S-B-L	56.20-5-9	480 Shetland Dr	142289 AMHERST	
	Acct. No. 112		\$488.75	County
	Acct. No. 132		\$343.27	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$343.27	

RPTL 550(2): Failed to apply exemption  
Refund check to be issued to Francis J Saad.

FISCAL YEAR 2017                      Petition No.                      217,178.00

	ASSESSOR	Refund	\$3,142.27	
S-B-L	777.00-46-2.1	143003 DEPEW		
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$3,142.27	Town/SpecialDist/School
<u>Charge To :</u>	143003 DEPEW		\$3,142.27	
	Relevy School		\$3,142.27	143001 CHEEKTO.

CENTRAL

RPTL 550(2): Incorrect assessment  
Refund check to be issued to Norfolk Southern Corp

FISCAL YEAR 2015                      Petition No.                      217,179.00

	ASSESSOR	Refund	\$2,504.97	
S-B-L	93.00-2-27.2	3840 Walden Ave	145289 LANCASTER	

	Acct. No. 112	\$975.60	County
	Acct. No. 132	\$1,529.37	Town/SpecialDist/School
	99998 police fund	\$277.20	
<u>Charge To :</u>	145289 LANCASTER		\$1,252.17

RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR 2015                      Petition No.                      217,180.00

                                 ASSESSOR                      Refund                      \$3,203.03  
S-B-L 93.00-2-27.2    3840 Walden Ave    145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,203.03	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$3,203.03
	Relevy School	\$3,203.03	145201 LANCASTER

CENTRAL

RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR 2016                      Petition No.                      217,181.00

                                 ASSESSOR                      Refund                      \$2,526.91  
S-B-L 93.00-2-27.2    3840 Walden Ave    145289 LANCASTER

	Acct. No. 112	\$985.82	County
	Acct. No. 132	\$1,541.09	Town/SpecialDist/School
	99998 police fund	\$277.37	
<u>Charge To :</u>	145289 LANCASTER		\$1,263.72

RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR 2016                      Petition No.                      217,182.00

                                 ASSESSOR                      Refund                      \$3,189.20  
S-B-L 93.00-2-27.2    3840 Walden Ave    145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,189.20	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$3,189.20



RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR	2016	Petition No.	217,186.00
	ASSESSOR	Refund	\$1,612.91
S-B-L	93.00-2-29.2	3860 Walden Ave	145289 LANCASTER
	Acct. No. 112	\$629.25	County
	Acct. No. 132	\$983.66	Town/SpecialDist/School
	99998 police fund	\$177.04	
<u>Charge To :</u>	145289 LANCASTER		\$806.62

RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR	2016	Petition No.	217,187.00
	ASSESSOR	Refund	\$2,035.66
S-B-L	93.00-2-29.2	3860 Walden Ave	145289 LANCASTER
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,035.66	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$2,035.66
	Relevy School	\$2,035.66	145201 LANCASTER

CENTRAL

RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR	2017	Petition No.	217,188.00
	ASSESSOR	Refund	\$1,614.63
S-B-L	93.00-2-29.2	3860 Walden Ave	145289 LANCASTER
	Acct. No. 112	\$646.77	County
	Acct. No. 132	\$967.86	Town/SpecialDist/School
	99998 police fund	\$177.42	
<u>Charge To :</u>	145289 LANCASTER		\$790.44

RPTL 550(2): Duplicate parcel  
Refund check to be issued to Pleasant Meadows Assoc

FISCAL YEAR 2017                      Petition No.                      217,189.00

   ASSESSOR                      Cancel                      \$1,892.60  
S-B-L 115.06-2-25      24 Miller St                      145201 DEPEW

   Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$1,892.60      Town/SpecialDist/School  
Charge To :                      145201 DEPEW                      \$1,892.60  
   Relevy School                      \$1,892.60      143007 DEPEW UNION-

CHEEK

RPTL 550(2): Failed to apply land bank exemption  
New tax bill to be issued.

FISCAL YEAR 2017                      Petition No.                      217,190.00

   ASSESSOR                      Cancel                      \$3,193.49  
S-B-L 93.00-2-27.2      3840 Walden Ave                      145289 LANCASTER

   Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$3,193.49      Town/SpecialDist/School  
Charge To :                      145289 LANCASTER                      \$3,193.49  
   Relevy School                      \$3,193.49      145201 LANCASTER

CENTRAL

RPTL 550(2): Duplicate parcel  
New tax bill to be issued.

FISCAL YEAR 2017                      Petition No.                      217,191.00

   ASSESSOR                      Cancel                      \$2,038.40  
S-B-L 93.00-2-29.2      3860 Walden Ave                      145289 LANCASTER

   Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$2,038.40      Town/SpecialDist/School  
Charge To :                      145289 LANCASTER                      \$2,038.40  
   Relevy School                      \$2,038.40      145201 LANCASTER

CENTRAL

RPTL 550(2): Duplicate parcel  
New tax bill to be issued.

FISCAL YEAR 2017                      Petition No.                      217,192.00

ASSESSOR Refund \$14,168.91  
S-B-L 134.13-2-34.12 100 Orchard Park R 146800 WEST SENECA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$14,168.91 Town/SpecialDist/School  
Charge To : 146800 WEST SENECA \$14,168.91  
Relevy School \$14,168.91 146801 WEST SENECA

CENT

RPTL 550(2): Incorrect assessment, error in split/merge.  
Refund check to be issued to SME Properties LLC

FISCAL YEAR 2017 Petition No. 217,193.00

ASSESSOR Cancel \$1,295.99  
S-B-L 143.07-5-7 86 Emerald Dr 146800 WEST SENECA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,295.99 Town/SpecialDist/School  
Charge To : 146800 WEST SENECA \$1,295.99  
Relevy School \$1,295.99 146801 WEST SENECA

CENT

RPTL 550(2): Failed to apply exemption  
New tax bill to be issued.

FISCAL YEAR 2017 Petition No. 217,194.00

ASSESSOR Cancel \$1,721.02  
S-B-L 144.09-5-32 107 Carmelite Dr 146800 WEST SENECA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,721.02 Town/SpecialDist/School  
Charge To : 146800 WEST SENECA \$1,721.02  
Relevy School \$1,721.02 146801 WEST SENECA

CENT

RPTL 550(2): Failed to apply exemption  
New tax bill to be issued.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 27 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

November 30, 2017	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 20M-3 (2017)  
**EC AGRICULTURAL & FARMLAND PROTECTION BOARD:** “2017 Report - EC Agricultural Districts Inclusion of Viable Agricultural Land”  
(6-0)
  - b. COMM. 21M-6 (2017)  
**LANCASTER UNLEASHED:** “Letter to Legislator Morton Regarding Proposal for a Dog Park in the Town of Lancaster”  
(6-0)
2. COMM. 20E-12 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, Erie County hosts at least two household hazardous waste events per year to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land or air; and

WHEREAS, these events service approximately 2,000 households per year; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) has identified the need for a feasibility study to identify how it might effectively and efficiently increase the number of households it serves through this program; and

WHEREAS, New York State Department of State (DOS) provides competitive funding for Local Government Efficiency Grants for local government to better consolidate and share services; and

WHEREAS, Erie County applied to DOS for a grant to support a feasibility study to examine options, including funding mechanisms, for the County to improve its HHW program; and

WHEREAS, Erie County received a DOS award for \$24,000 in funding to conduct such a feasibility study; and

WHEREAS, the DEP has allocated additional funds in an amount of \$24,000 from the Erie County Community Development Block Grant (CDBG) Fund to match DOS funds and further offset costs of this study; and

WHEREAS, the Erie County Legislature passed resolution [COMM. 7E-18 (2017), April 27, 2017] to enter into the contract with DOS and establish a budget; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform a Household Hazardous Waste Feasibility Study; and

WHEREAS, Erie County has conducted a review and selection process of the proposals that have been received for the Household Hazardous Waste Feasibility Study; and

WHEREAS, the review committee has selected Solara Inc. to perform a Household Hazardous Waste Feasibility Study; and

WHEREAS, this study will assess HHW Program procedures, identify best management practices and alternatives, complete an economic and logistical appraisal, and provide recommendations to better serve the community with their hazardous waste disposal needs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with Solara Inc., for an amount not to exceed \$48,000, to perform a Household Hazardous Waste Feasibility Study; and be it further

RESOLVED, that the \$48,000 in Professional Services – Account 516020 funding for this agreement is available from the following sources: \$24,000 in Fund 281, Business Area 162, Grant 162-BSFSADP1718, and \$24,000 in Fund 290, Business Area 162, CDBG project J.00516; and be it further

RESOLVED, that this resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Director of the Division of Budget and Management; the Comptroller's Office; Thomas R. Hersey, Jr., the Commissioner of the Department of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Paul Kranz, P.E. – DEP Associate Engineer; and the County Attorney.

(6-0)

3. COMM. 21E-16 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 17E-17 (2016), Contract 76 was awarded to Kenyon Pipeline Inspection, LLC to construct the "Sanitary Sewer Cured-in-Place Pipe Lining Project" in Erie County Sewer District Nos. 2, 3, and 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 76, in the final contract amount of \$505,150.00 which includes Change Order No. 1 (final), a decrease of \$97,335.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 76 between the County of Erie and Kenyon Pipeline Inspection, LLC (68 Park Rd, Queensbury, New York 12804) is accepted in the final contract amount of \$505,150.00 which includes Change Order No. 1 (final), a decrease of \$39,287.50 in Erie County Sewer District No. 2, Cost Center 1821010 and a decrease of \$58,047.50 in Erie County Sewer District Nos. 3 and 8, Cost Center 1831010 for a total decrease of \$97,335.00; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 76 to Kenyon Pipeline Inspection, LLC for a total contract amount of \$505,150.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

4. COMM. 21E-17 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 12E-12 (2012), Contract 90 was awarded to Wendel Energy Services, LLC to perform energy performance upgrades and other improvements at the Big Sister Creek Water Resource Recovery Facility in Erie County Sewer District No. 2; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 90, in the final contract amount of \$1,145,724.59 which includes Change Order No. 3 (final), a decrease of \$14,199.71 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 90 between the County of Erie and Wendel Energy Services, LLC. (375 Essjay Road, Suite 200, Williamsville, New York 14221) is accepted in the final contract amount of \$1,145,724.59 which includes Change Order No. 3 (final), a decrease of \$14,199.71 and is allocated in Erie County Sewer District No. 2 Capital Account C.12201; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 90 to Wendel Energy Services, LLC for a total contract amount of \$1,145,724.59; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

5. COMM. 21E-18 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 6E-15 (2015), Contract 17A was awarded to Kandey Company, Inc. to construct the Rush Creek Interceptor Wet Weather Relief Pumping Station and Force Main in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 17A, in the final contract amount of \$6,028,408.18 which includes Change Order No. 1 (final), a decrease of \$614,116.82 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 17A between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, New York 14224) is accepted in the final contract amount of \$6,028,408.18 which includes Change Order No. 1 (final), a decrease of \$614,116.82 and is allocated in Erie County Sewer District No. 3 Capital Account C.00012; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 17A, to Kandey Company, Inc. for a total contract amount of \$6,028,408.18; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

6. COMM. 21E-19 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 13E-20 (2016), Contract 58 was awarded to Kenyon Pipeline Inspection, LLC to construct the Ontario & Park Sanitary Sewer Cured-in-Place Pipe Lining Project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 58, in the final contract amount of \$490,247.00 which includes Change Order No. 1 (final), a decrease of \$125,263.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 58 between the County of Erie and Kenyon Pipeline Inspection, LLC (68 Park Rd, Queensbury, New York 12804) is accepted in the final contract amount of \$490,247.00 which includes Change Order No. 1 (final), a decrease of \$125,263.00 and is allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 58, to Kenyon Pipeline Inspection, LLC for a total contract amount of \$490,247.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

7. **COMM. 21E-22 (2017)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$320,000 to commence the WNY Stormwater Coalition (WNYSC): Storm System Mapping Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the WNYSC membership in in-kind services; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff positions: Junior Environmental Compliance Specialist (JG 7) and Environmental Compliance Specialist (JG 9); and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the “State”, and Erie County be executed for such State aid; and

WHEREAS, it is necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Storm System Mapping Project; and

WHEREAS, the County of Erie, herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is the representative authorized to act on behalf of the Municipality’s governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, accept \$320,000 in grant funding and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNY Stormwater Coalition: Storm System Mapping Project, in an amount not to exceed \$5,000 in grant resources; and be it further

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: Storm System Mapping Project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: Storm System Mapping Project  
SAP Grant Account #162WNYSCSSMP1720  
Grant Period: 6/1/17 – 6/30/20

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$320,000)
TOTAL REVENUE		(\$320,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$190,000
502000	Fringe Benefits	\$114,000
505000	Office Supplies	\$500
510000	Local Travel	\$500
516020	Professional Service Contract	\$5,000
561410	Lab & Technical Equipment	<u>\$10,000</u>
TOTAL APPROPRIATIONS		\$320,000

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the WNY Stormwater Coalition: Newly Designated Urbanized Area Project 162WNYSCNDUAP1518, Business Area 162, Fund 281 upon consumption of the current budget:

Environmental Compliance Specialist (JG 9)  
B-100 No. 9741  
Budgeted Annual Salary: \$42,400

and be it further

RESOLVED, that the following position which is 100% grant funded will be created:

Junior Environmental Compliance Specialist (JG 7)  
B-100 No. 9741  
Budgeted Annual Salary: \$32,616

and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

(6-0)

8. COMM. 21E-37 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County and Western New York offer a world class sport fishery, drawing sportsmen and their families from across the US and the world; and

WHEREAS, a hardcopy (paper) version of the Western New York Hot Spot Fishing Map, covering Erie, Niagara, and Chautauqua Counties has proven to be very popular among the local sportfishing community; and

WHEREAS, it is recognized that a digital version of the Western New York Hot Spot Fishing Map is needed to provide mobile access to the wealth of information on sportfishing Hot Spots and fishing related services which the paper map contains, and that a mobile app will help keep Erie County competitive in this important segment of the Erie County economy; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to develop and host an Online Hot Spot Fishing App; and

WHEREAS, Erie County has conducted a review and selection process of the proposals that have been received for developing an Online Hot Spot Fishing App; and

WHEREAS, the results of the selection process are included as an attachment to this resolution as outlined in the Erie County Administrative Code Section 19.08; and

WHEREAS, Erie County desires to work with MRF Geosystems Corporation to develop an Online Hot Spot Fishing App; and

WHEREAS, a suitable enhancement to the Online Hot Spot Fishing App has been proposed requiring funding beyond the scope of the existing contract, necessitating the execution of a contract amendment with MRF Geosystems Corporation.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of MRF Geosystems Corporation to be retained to provide custom geospatial application services associated with the Online Hot Spot Fishing App; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to amend the “Retaining a Consultant to Develop and Host an Online Hot Spot Fishing App” contract in an amount not to exceed \$8,000, to develop two custom tools within the Western New York Online Hot Spot Fishing App; and be it further

RESOLVED, that funds for this study are available from the 2017 Budget, Funds Center 16200, Fund 110, GL Account 517601 – Erie County Fish Advisory Board; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Director of the Division of Budget and Management; the Comptroller's Office; the Commissioner of the Department of Environment and Planning, and the County Attorney.  
(6-0)

TED B. MORTON  
CHAIR

Item 28 – MR. RATH presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

November 30, 2017	PUBLIC SAFETY COMMITTEE REPORT NO. 18
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 21E-30 (2017)  
**COUNTY EXECUTIVE**  
WHEREAS, Erie County has a serious opiate epidemic; and

WHEREAS, the Central Police Services Forensic Laboratory plays an important role in the fight against drugs by analyzing opiate related drugs seized by law enforcement; and

WHEREAS, the High Intensity Drug Trafficking Areas (HIDTA) Program, (a drug-reduction enforcement program run by the United States Office of National Drug Control Policy) has a process available to assist state and local governments in the fight against the opiate epidemic, and they have recognized the need of Erie County for assistance; and

WHEREAS, HIDTA will purchase lab supplies including, but not limited to, protective wear, bar code scanners, special weights and reagents and donate them to the Central Police Services Forensic Laboratory; and

WHEREAS, the value of the donated supplies will not exceed \$15,000 in 2017; and

WHEREAS, it is expected the donation of lab supplies from HIDTA will continue for an undefined number of years.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the Central Police Services Forensic Laboratory to accept the donation of up to \$15,000 worth of lab supplies from HIDTA in 2017 and all further donations in future years; and be it further

RESOLVED, that the Central Police Services Forensic Lab will coordinate with HIDTA and provide them with a list of most-needed supplies; and be it further

RESOLVED, that the authorization is hereby provided for the Central Police Services Forensic Lab to accept lab supply donations from HIDTA; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the office of the Comptroller and the Department of Central Police Services, attention: Brian Speers.  
(6-0)

2. COMM. 21E-31 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Central Police Services Forensic Laboratory assists the law enforcement community by providing various lab analyses to aid in the prosecution of criminals; and

WHEREAS, only the Erie County Forensic Lab is able to provide the prompt DNA analysis turnaround needed for the U.S. Department of Justice's federal judicial proceedings both pre and post indictment; and

WHEREAS, the U. S. Department of Justice has agreed to reimburse Erie County, on a quarterly basis, for the supplies used for these services at the rate of \$650 per case for the analysis of DNA samples and \$75 per case for the recalculation of DNA samples; and

WHEREAS, the anticipated revenue in 2017 is 11,000; and

WHEREAS, this service will be provided to the U.S. Department of Justice indefinitely.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to Central Police Services to invoice and accept payments from the U. S. Department of Justice on a quarterly basis to reimburse the department for the supplies used for their DNA analysis services, and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, to increase the budgets to the revenue and appropriations, on a quarterly basis, in each year's Central Police Services operating fund by the amount that is billed to the U.S. Department of Justice for the quarter; and be it further

RESOLVED, that authorization is hereby provided to adjust the 2017 Central Police Services budget as follows:

Central Police Services  
Fund 110, Fund Center 165000

<u>Revenue</u>		<u>Increase</u>
414010	Federal Aid-Other	\$11,000

<u>Appropriations</u>		<u>Increase</u>
505800	Medical & Health Supplies	\$11,000

; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the office of the Comptroller and the Department of Central Police Services, attention: Brian Speers.  
(6-0)

3. COMM. 21E-32 (2017)

**COUNTY EXECUTIVE**

WHEREAS, Central Police Services assists law enforcement officials with criminal cases by providing analysis in the testing of illicit drugs and analysis of firearms used in crimes; and

WHEREAS, there is a backlog of cases due to broken and outdated equipment; and

WHEREAS, there is a need to purchase two new Leica S7 E Stereomicroscope microscopes used for analysis of illicit drugs and two LEEDS camera assemblies for existing microscopes that are used for microscopic imaging in firearms analysis; and

WHERE AS, the approximate cost for the two Leica Stereomicroscopes is \$5,842 and the approximate cost for the two LEEDS camera assemblies is \$11,598; and

WHEREAS, Central Police requires authorization to transfer \$17,440 in available funds within the previously approved 2017 Central Police Services Budget, Funds Center 16500, Fund 110, from GL 559000 – County Share Grants to GL 561410 – Lab and Tech Equipment for the purchase of this equipment.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the Director of the Division of Budget and Management to transfer \$17,440 from GL 559000 – County Share Grants to GL 561410 – Lab and Tech Equipment within the 2017 Operating Budget in Funds Center 16500, Fund 110 for the purchase of the broken and outdated equipment; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive; the Division of Budget and Management; the office of the Comptroller; and the Department of Central Police Services, attention: Brian Speers.  
(6-0)

4. COMM. 21E-33 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Central Police Services Department maintains an E-911 communications center that receives emergency calls from alarm companies; and

WHEREAS, the Automated Secure Alarm Protocol (ASAP) is a national service that was designed by The Monitoring Association (TMA) and the Association of Public Safety Communications Officials (APCO Int'l); and

WHEREAS, this service would reduce the two to three minute relay time currently in place by allowing a computer at a dispatch center to process alarm data; and

WHEREAS, to participate in the ASAP program, E-911 communications center software must be certified; and

WHEREAS, the only technical consultant and operations contractor that can provide the certification is Commsys, Inc.; and

WHEREAS, there are sufficient funds in the E-911 Fund to provide for Commsys, Inc, to certify and consult for the ASAP service.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to issue a purchase order to Commsys Inc., a sole source vendor, in the amount of \$10,330 to provide technical consultant staff and certification for the ASAP system; and be it further

RESOLVED, that funding for this service is available in Funds Center 16500, Fund 230, GL account 516020 – Professional Services; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, the Bureau of Purchase, and the Department of Central Police Services, attention: Brian Speers.

(6-0)

EDWARD A. RATH III  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 29 – MR. LORIGO presented the following resolution and moved for consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

RE: Support for Conversion of NFTA Fleet  
to Electric Buses  
(INTRO. 23-1)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS, LOUGHRAN & MORTON

WHEREAS, non-electric exhaust contains various harmful pollutants including carbon monoxide, various hydro-carbons, and nitrogen oxides, which are harmful to people in the immediate vicinity leading to an estimated 53,000 premature deaths each year and are known greenhouse gases; and

WHEREAS, electric Buses have zero emissions and no exhaust fumes; and

WHEREAS, electric buses produce only 57 decibels of sound, which is similar to ambient sound levels in the average urban home; and

WHEREAS, electric buses have simple engines that rarely break down and are inexpensive to maintain, typically costing less than half that of a diesel bus; and

WHEREAS, on a per mile basis the cost to run an electric bus is about \$0.19 or less than half the cost to fuel a diesel bus, \$0.47; and

WHEREAS, the Erie County Legislature has taken action in the past to work towards cleaner air and improved health with legislation on smoking in the workplace and public spaces.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby encourages the Niagara Frontier Transit Authority (NFTA) to work towards converting all of its bus fleet to electric buses as soon as reasonably possible; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the NFTA, the Western New York Delegation to the New York State Legislature, Governor Andrew Cuomo, and any other party deemed necessary and proper.

MR. LORIGO moved to amend the item to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve the item as amended. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

Item 30 – CHAIR MILLS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 23-2 from LEGISLATOR BURKE. Calling for the Establishment of the Erie County Broadband Network in Light of the FCC's Vote to Repeal Net Neutrality Provisions.

Item 31 – CHAIR MILLS directed that the following item be received and filed.

GRANTED.

INTRO. 23-3 from LEGISLATOR MORTON. Support for Reallocation or Reorganization of EC Child Protective Services Case Worker Positions.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 32 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 21E-20. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

RE: EC Sewer District No. 2 - Increase and Improvement of Facilities (2017)  
(COMM. 21E-20, 2017)

**BOND RESOLUTION DATED DECEMBER 7, 2017**

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OF THE COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,800,000, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 2 TO SAID COUNTY.

(Introduced) November 16, 2017  
(Adopted) December 7, 2017

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated October 19, 2017, an increase and improvement of facilities of Erie County Sewer District No. 2 (the District”) has been approved at a total estimated maximum cost of \$2,800,000 (the “Projects”); now therefore be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to undertake the Projects, consisting of: (i) improvements to the Big Sister Creek Water Resource Recovery Facility; (ii) improvements to the Sweetland Road Pumping Station and other pumping stations; and (iii) improvements to various collection system components; all as more fully described in the report and estimate of cost approved by the Board of Managers of the District on

July 11, 2017 and filed with the County Legislature pursuant to Section 268 of the County Law. The total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,800,000 and said amount is hereby appropriated therefor pursuant to the duly adopted 2017 Capital Budget for the County. The plan of financing includes the issuance of \$2,800,000 aggregate principal amount of bonds of the County to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in the District, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 2. Bonds of the County in the principal amount of \$2,800,000, or so much thereof as may be necessary, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriation.

Section 3. The period of probable usefulness for the specific objects or purposes for which said \$2,800,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 4 of the Law, is forty (40) years.

Section 4. Current funds are not required to be provided as a down payment prior to the issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 5. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of said improvements, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 7. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by

general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This Resolution shall take effect immediately upon approval by the County Executive.

MR. LORIGO moved to approve the item. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 21E-21. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

RE: EC Sewer District No. 3 - Increase and Improvement of Facilities (2017)  
(COMM. 21E-21, 2017)

BOND RESOLUTION DATED DECEMBER 7, 2017

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$10,500,000 BONDS OF THE COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,500,000, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 3 TO SAID COUNTY.

(Introduced) November 16, 2017  
(Adopted) December 7, 2017

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated October 19, 2017, an increase and improvement of facilities of Erie County Sewer District No. 3 (the District") has been approved at a total estimated maximum cost of \$10,500,000 (the "Projects"); now therefore be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the Projects, consisting of improvements to the Southtowns Water Resource Recovery Facility, existing pumping stations, and the sanitary sewer collection system; all as more fully described in the report and estimate of cost approved by the Board of Managers of the District on July 11, 2017 and filed with the County Legislature pursuant to Section 268 of the County Law. The total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$10,500,000 and said amount is hereby appropriated therefor pursuant to the duly adopted 2017 Capital Budget for the County. The plan of financing includes the issuance of \$10,500,000 aggregate principal amount of bonds of the County to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in the District, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 2. Bonds of the County in the principal amount of \$10,500,000, or so much thereof as may be necessary, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriation.

Section 3. The period of probable usefulness for the specific objects or purposes for which said \$10,500,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 4 of the Law, is forty (40) years.

Section 4. Current funds are not required to be provided as a down payment prior to the issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 5. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of said improvements, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining

annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 7. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This Resolution shall take effect immediately upon approval by the County Executive.

MR. LORIGO moved to approve the item. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 21E-23. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

RE: Real Property Tax Services - Transfer of Surplus County Owned Land Parcels (COMM. 21E-23, 2017)

WHEREAS, the Director of Real Property Tax Services has recommended the transfer of various surplus county owned property described below; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Lands Advisory Review Committee;

NOW, THEREFORE BE IT RESOLVED that the surplus County-owned parcels listed below be sold;

Village of Depew – SBL #103.12-1-9 to Scott Wegst. 0 Seabert Ave. Negotiated Price \$300.  
Measures: 40 x 100.

Town of Orchard Park – SBL#173.17-3-36 to Glenn V. Miller  
Parcel along the rear property line. Negotiated Price: \$300.  
Measures: 25.22 x 19.78

Town of Newstead – SBL #73.00-3-37 to Richard, Julie, Randy and Jill Felber  
Land locked abandoned railroad right-of-way. Negotiated Price \$300.  
Measures 1.3 acres

Town of West Seneca – SBL#142.08-7-2.1, 0 Potter Rd to Union Concrete Construction Corp.  
Ingress and egress to staging area for NYS Thruway reconstruction. Negotiated Price: \$6,000.  
Measures 4.5 acres

Town of West Seneca  
SBL #'s;  
134.08-4-14, 34 x 120  
134.08-4-15, 34 x 120  
134.08-4-16, 34 x 120  
134.08-5-12, 34 x 125.92  
134.08-5-13, 34 x 126.64  
134.08-5-14, 34 x 127.37

All land locked parcels to Donald Kinsey. Negotiated Price \$600.

and be it further;

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deeds conveying any and all interest of the County of Erie in the above described properties to the aforesaid purchasers; and be it further;

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.

MR. LORIGO moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Delete the item in its entirety and Replace with the following:

WHEREAS, the Director of Real Property Tax Services has recommended the transfer of various surplus county owned property described below; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Advisory Review Committee;

NOW, THEREFORE BE IT

RESOLVED that the surplus county owned parcels listed below be sold;

Village of Depew – SBL #103.12-1-9 to Scott Wegst. 0 Seabert Ave. Negotiated Price \$300.00  
Measures: 40 x 100.

Town of Orchard Park – SBL#173.17-3-36 to Glenn V. Miller  
Parcel along the rear property line. Negotiated Price: \$300.00  
Measures: 25.22 x 19.78

Town of Newstead – SBL #73.00-3-37.3 to Richard, Julie, Randy and Jill Felber  
Land locked abandoned railroad right-of-way. Negotiated Price \$300.00  
Measures 1.3 acres

Town of West Seneca – SBL#142.08-7-2.1, 0 Potter Rd to Union Concrete Construction Corp.  
Ingress and egress to staging area for NYS Thruway reconstruction. Negotiated Price: \$6,000.00  
Measures 4.5 acres

Town of West Seneca  
SBL #'s;  
134.08-4-14, 34 x 120  
134.08-4-15, 34 x 120  
134.08-4-16, 34 x 120  
134.08-5-12, 34 x 125.92  
134.08-5-13, 34 x 126.64  
134.08-5-14, 34 x 127.37

All land locked parcels to Donald Kinsey. Negotiated Price \$600.00

and be it further;

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deeds conveying any and all interest of the County of Erie in the above described properties to the aforesaid purchasers; and be it further;

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.

MR. LORIGO moved to approve the item as amended. MS. RATH seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 35 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 23-4 from LEGISLATOR MORTON. Re: Support for Reallocation or Reorganization of EC Child Protective Services Case Worker Positions

MR. LORIGO moved to approve the item. MS. DIXON seconded.

MR. LOUGHRAN moved to send the item to committee for further consideration. MR. SAVAGE seconded.

MR. LOUGHRAN objected.

CHAIR MILLS directed that the item be received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 36 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-28 from the COUNTY EXECUTIVE. Re: Contract for Design & Construction Phase Engineering Services - Vermont St (CR 226) Site 9, Town of Holland

RESOLUTION NO. 253

WHEREAS, as a result of federally declared disaster DR-1534-NY for the storms of May/June of 2004 Erie County (County) developed contract documents for a project to improve approximately 1,000 linear feet of Vermont Street in the Town of Holland known as Site 9 (the “Project”); and

WHEREAS, FEMA declared the Project an improved project and as such declined to fully fund the work required; and

WHEREAS, the County desires to complete the Project using County funds; and

WHEREAS, the contract documents originally developed require review and updating as it has been several years since they were produced; and

WHEREAS, the County desires to contract with the original designer Mott MacDonald (previously Hatch Mott MacDonald) for the necessary review and update; and

WHEREAS, the County also desires to contract with Mott MacDonald for engineering services during construction; and

WHEREAS, the cost of the required design services for review and updating the contract documents is estimated to be \$45,000 which is available from SAP Project No. B.14016 2014 Road Slides Design Collins and Holland; and

WHEREAS, the cost of the required construction phase engineering services is estimated to be \$225,000 which is available from SAP Project No. B.20922 2009 FEMA Projects Road Reconstruction.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie hereby approves the subject project; and be it further

RESOLVED, that the County Executive be authorized to execute a contract with Mott MacDonald in the not to exceed amount of \$45,000 which is hereby appropriated from Fund 420, Funds Center 123 SAP Project No. B.14016 2014 Road Slides Design Collins and Holland and made available for the design engineering services required; and be it further

RESOLVED, that the contract with Mott MacDonald also include construction phase engineering services in the not to exceed amount of \$225,000 which is hereby appropriated from Fund 420, Funds Center 123 SAP Project No. B.20922 2009 FEMA Projects Road Reconstruction and made available for the construction phase engineering services required; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-29 from the COUNTY EXECUTIVE. Amendatory Resolution for NYS Multi-Modal I Funding Contract - Bethlehem Steel Rail Relocation & Improvements Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-30 from the COUNTY EXECUTIVE. Re: AFSCME Local 1095 Erie County Unit – 2017-2021 Successor Collective Bargaining Agreement

RESOLUTION NO. 254

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the American Federation of State, County and Municipal Employees (“AFSCME”), Local 1095 Erie County Unit (“Unit”) is an employee union organization which represents “blue collar” County employees; and

WHEREAS, the existing collective bargaining agreement between Erie County and the Unit expired on December 31, 2016, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and the Unit negotiated a successor collective bargaining agreement, covering the period between January 1, 2017 and December 31, 2021; and

WHEREAS, Unit membership recently ratified the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County and the American Federation of State, County and Municipal Employees (AFSCME), Local 1095 Erie County Unit for the period January 1, 2017-December 31, 2021 is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and, be it further

RESOLVED, that authorization is provided to appropriate up to \$200,000 in undesignated/unassigned fund balance into the 2017 Erie County Budget to cover the 2017 costs of the successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2017 Budget to properly fund the increased costs associated with the AFSCME successor agreement and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the terms of the agreement for County employees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.

MR. LORIGO moved to approve the item. MR. SAVAGE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 39 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-31 from the COUNTY EXECUTIVE. EC Sewer District Board of Mangers Appointments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-32 from the COUNTY EXECUTIVE. Re: Department of Health - Acceptance of NYSDOH Grant Award - Opioid Overdose Prevention

RESOLUTION NO. 255

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, the Erie County Department of Health has become a leading agency in our community's fight against opioid addiction and overdose deaths; and

WHEREAS, New York State is encouraging and promoting the creation of regional task forces to confront the Opioid Epidemic at the local level; and

WHEREAS, in recognition of the Erie County Department of Health's leading role in creating the Erie County Opioid Epidemic Task Force, the NYSDOH has provided Erie County with funding to support opioid overdose prevention efforts; and

WHEREAS, this grant in the amount of \$75,000.00 requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the New York State Department of Health in the amount of \$75,000 to be budgeted as follows:

“Opioid Overdose Prevention (OOP)”  
127OOP1718  
9/1/17 -8/31/18

SAP	REVENUE	BUDGET
409000	State Aid Revenues	<u>\$75,000</u>
	TOTAL	<u>\$75,000</u>
	EXPENSES	
505000	Office Supplies	\$19,288
510000	Local Mileage Reimbursement	1,001
561410	Lab & Technical Equipment	1,000
530000	Other Expenses	24,211
516020	Professional Svcs Contracts & Fees	25,000
912700	ID Health Services	<u>4,500</u>
	TOTAL	<u>\$75,000</u>

and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 41 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-33 from the COUNTY EXECUTIVE. Re: Department of Health - Acceptance of USHHS Grant Award - Screening, Brief Intervention, Referral to Treatment

RESOLUTION NO. 256

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, neo-natal abstinence syndrome is one of the most profound consequences of the opioid epidemic, causing newborn babies to be born addicted to opioids; and

WHEREAS, SBIRT training is a nationally recognized, evidence based process to screen for and intervene to assist individuals with opioid use disorder; and

WHEREAS, Positive Directions LLC, is a HHS licensed SBIRT trainer and current Erie county Vendor; and

WHEREAS, the University at Buffalo Medical Group Practice Plan employees expert OB/GYN's who are qualified to implement quality improvement programs to ensure successful implementation of new procedures; and

WHEREAS, in recognition of the Erie County Department of Health's leading role in creating the Erie County Opioid Epidemic Task Force, the U.S Department of Health and Human Services has decided to award Erie County with funding to implement SBIRT screening throughout local OB/GYN practices; and

WHEREAS, this grant in the amount of \$100,000.00 requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the United States Department of Health and Human Services in the amount of \$100,000 to be budgeted as follows:

“Screening, Brief Intervention, Referral to Treatment (SBIRT)”  
127SBIRT1718  
9/1/17 -8/31/18

SAP	REVENUE	BUDGET
414000	Federal Aid	\$100,000
	TOTAL	<u>\$100,000</u>

SAP	EXPENSES	BUDGET
505000	Office Supplies	\$ 16,588
510100	Out of Area Travel	4,712
510200	Training & Educational	13,000
516020	Professional Svcs Contracts & Fees	<u>65,700</u>
	TOTAL	<u>\$100,000</u>

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with Positive Directions LLC; and

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department

of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-34 from the COUNTY EXECUTIVE. Re: Reappointment of Member of EC Board of Ethics

RESOLUTION NO. 257

RESOLVED, the Erie County Legislature hereby confirms the appointment, on the recommendation of the County Executive, of Jonathan Miles Gresham, Esq. of 66 Summer St., Buffalo, NY 14209 to the Erie County Board of Ethics for a term expiring on December 31, 2022.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-35 from the COUNTY EXECUTIVE. Re: Appointment to the EC Conditional Release Commission

RESOLUTION NO. 258

RESOLVED, the Erie County Legislature hereby confirms the appointment, on the recommendation of the County Executive, of Penny Wolfgang of 344 Mill St., Williamsville, NY 14221 to the Erie County Conditional Release Commission for a term expiring on December 31, 2021.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 44 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 23-5 from LEGISLATOR HARDWICK. Re: Transfer of Surplus Property to the Town of Grand Island

RESOLUTION NO. 259

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR HARDWICK**

WHEREAS, the Town of Grand Island recently requested a transfer of property from the County's surplus warehouse and has identified surplus items that would be of tremendous use to them; and

WHEREAS, these items no longer serve a purpose for the County of Erie and representatives of the Department of Purchase have indicated that the request is proper therefore the items identified below could be transferred to the Town of Grand Island.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following item is hereby transferred from the County of Erie to the Town of Grand Island:

Asset #	Description
F00 1006	Desk
FM 0055	Desk - Credenza
FM 0071	Tall blue chair
FM 0070	Paper cutter
FM 0057	Waiting room chair
FM 0058	Waiting room chair
FM 0059	Waiting room chair
FM 0060	Waiting room chair
FM 0072	2x Side chair blue

and, be it further

RESOLVED, that these items are to be used for a purpose related to the operations of the Town of Grand island and should not be transferred to any other entity without prior consent of the Erie County Legislature; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the Town of Grand Island, and any party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 45 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

RE: Caterpillar Equipment Rental Pilot Program  
(COMM. 23E-1)

WHEREAS, the Erie County Department of Public Works (DPW) wishes to explore the option of renting various pieces of Caterpillar equipment through a Pilot Program, to provide the County with specialized equipment and training, as needed, for winter/seasonal work and other unique emergency situations; and

WHEREAS, C Hill, LLC, a Women’s Business Enterprise (WBE) business tied to Milton CAT in Batavia, NY, the only Caterpillar equipment dealer in Western New York, is offering DPW a one (1) year Pilot Rental Program where DPW would rent three (3) CAT 938M loaders with fusion couplers and 3 valve 3.5 GP (general purpose) loader buckets for \$5,640 each, per month, for a minimum cost of \$203,040, along with the option of adding additional types of equipment, as needed at any time, which would add additional rental/training charges for the specialized equipment throughout the various seasons or for unique emergency situations throughout the year; and

WHEREAS, Legislative approval is necessary to enter into a 1 year rental agreement with C Hill, LLC to try out the Pilot Rental Program, after which an RFP (request for proposal) will be necessary if DPW determines that the rental option was successful and chooses to lease equipment, when the end result could include buying the equipment at the end of the lease, for a balance price; and

WHEREAS, collaborating with Caterpillar gives Erie County American Made Equipment and the use of all Caterpillar’s inventory, including power generators; and

WHEREAS, renting gives the advantage of using the latest technology and equipment that is reliable and well maintained, eliminates service costs, minimizes downtime, and under the agreement, provides training for Erie County Highway staff to perform “Do It With Me” maintenance, a customer service agreement in which the customer performs a portion of the service and the vendor performs the balance (e.g. the customer performs service every 250, 500, and 750 hours of machine use and the vendor performs service every 1,000 or 2,000 hours); and

WHEREAS, the rented equipment features Tier 4 fuel efficiency, which provides an estimated fuel cost savings of 15%, VisionLink and Geofencing capabilities for increased oversight of operations by managing equipment location, usage and security, and a new feature, the quick-hitch coupler and hydraulic attachment components for multi-attachment uses; and

WHEREAS, in the event that there is a declared disaster, the geo-fence and Global Positioning System (GPS) enabled equipment will allow clear and transparent tracking for the full

100 percent reimbursement of rental costs that Federal Emergency Management Agency (FEMA) normally pays compared to the prorated hourly rate reimbursement for equipment that is owned by the County; and

WHEREAS, Legislative approval is needed to transfer the necessary funds over \$10,000 into GL 545000 – Rental Charges, Funds Center 12310, Fund 210.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a 1 year Pilot Program rental agreement with C Hill, LLC for the rental of various pieces of Caterpillar equipment to provide the County with specialized equipment, as needed, for winter/seasonal work and other unique emergency situations; and be it further

RESOLVED, that authorization is hereby provided for the Director of Budget and Management to transfer any necessary funding over \$10,000 from accounts within the Department of Public Works, Division of Highways into GL 545000 – Rental Charges, Funds Center 12310, Fund 210 to pay for the rental of three (3) CAT 938M loaders with fusion couplers and 3 valve 3.5 GP (general purpose) loader buckets for \$5,640 each, per month, for a 1 year period, with options to increase the rental amounts and types of equipment needed at any time without the need for further resolutions; and be it further

RESOLVED, that C Hill, LLC will provide safety services and training for Erie County DPW to provide “Do It With Me” maintenance to maintain a Safety First culture; and be it further

RESOLVED, that upon completion of the pilot program, DPW will review the pros and cons of renting and determine if the program was a success. If it is found to be beneficial to the County, an RFP (request for proposal) will be prepared to select the best vendor to contract with to continue with the rental option; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

Item 46 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

RE: ECC - Authorization to Enter into  
Agreement for Audit Services  
(COMM. 23E-2)

WHEREAS, in accordance with NYCRR Title 8 Section 602.1(c) and Title 2 of the U.S. Code of Federal Regulations (“CFR”), among other local, state and federal regulatory agencies, an annual independent audit of the financial statements and schedule of expenditures of federal awards is required to be performed and submitted; and

WHEREAS, after RFP submission review, Drescher & Malecki, LLP was chosen as the source for the annual independent audit services for Erie Community College (ECC); and

WHEREAS, the Erie Community College Board of Trustees approved that College management enter into a contract with Drescher & Malecki, LLP to serve as the College's external auditors at their October 26, 2017 Board Meeting; and

WHEREAS, for the proposed three year agreement with Drescher & Malecki, LLP the cost shall not exceed \$29,600 for fiscal year ending August 31, 2017; \$30,190 for fiscal year ending August 31, 2018 and \$30,800 for fiscal year ending August 31, 2019; and

WHEREAS, the option is available to extend said agreement for the annual audits for an additional two years for a price not to exceed \$30,800 for fiscal year ending August 31, 2020 and \$30,800 for fiscal year ending August 31, 2021; and

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, ECC has adequate funds available in its operating budget to cover the cost of annual independent audit;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves awarding a three year agreement to Drescher & Malecki, LLP with an option to renew for an additional two year period; and be it further

RESOLVED, the President or his designee is authorized to enter a contract with Drescher & Malecki, LLP for the above-mentioned services; and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, the President of ECC, and the Chairman of the ECC Board of Trustees.

FROM CHAIR MILLS

Item 47 – (COMM. 23E-3) 2018 Schedule of Legislative Sessions

Received, filed and printed.

To: Karen M. McCarthy, Clerk  
From: John J. Mills, Chair  
Date: December 4, 2017

2018 SCHEDULE OF LEGISLATIVE SESSIONS  
(revised May 3 should be May 10)

JANUARY

JULY

4  
18

12  
26

FEBRUARY  
1  
15

AUGUST  
Recess

MARCH  
1  
15

SEPTEMBER  
6  
20

APRIL  
12  
26

OCTOBER  
4  
18

MAY  
10  
24

NOVEMBER  
1  
15

JUNE  
7  
21

DECEMBER  
6 Session & Budget Vote  
20 Session & Budget Override

All Regular Sessions listed begin at 2:00 pm in the Legislature Chambers  
Majority Caucus Meetings held on the day of Session begin at 10:30 am in the Caucus Room  
All Meetings are open to the public

Item 48 – (COMM. 23E-4) Letter to Clerk of the Legislature Calling a Special Meeting  
Regarding the Proposed 2018 Erie County Budget

Received and filed.

**FROM THE COUNTY EXECUTIVE**

Item 49 – (COMM. 23E-5) EC Sewer District No. 3 - Engineer Term Agreement - Work  
Order AECOM-6

Received and filed.

Item 50 – (COMM. 23E-6) Rath Building - Social Services - First Floor Renovations Project  
- Construction Contingency Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 23E-7) EC Sewer Districts - 2017 Assessment Rolls (2018 Levy) - Notice of Adoption

Item 52 – (COMM. 23E-8) EC Sewer Districts Nos. 1-6 & 8 - User Charges - 2018

Item 53 – (COMM. 23E-9) RIT's NYS Pollution Prevention Institute Sub-Award Contract Extension (Jan. 1, 2018-Sept. 30, 2018)

Item 54 – (COMM. 23E-10) USEPA-GLRI Buffalo River RAP Project Management - Bailey/Smith Habitat Restoration Delisting Project - Contract Amendment (Oct. 1, 2017-Dec. 31, 2019)

Item 55 – (COMM. 23E-11) USEPA-GLRI Buffalo River Area of Concern Habitat Restoration - NFTA-61 Smith Street - Contract Amendment (Jan. 1, 2018-Dec. 31, 2018)

The above five items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 23E-12) BENLIC Pre-Emptive Bid Powers and Subsequent Repayment Agreement with EC

Item 57 – (COMM. 23E-13) BENLIC Pre-Emptive Bid Powers and Subsequent Repayment Agreement for City of Tonawanda Foreclosure Sale

Item 58 – (COMM. 23E-14) Levy and Apportionment of EC Real Property Tax for 2018

Item 59 – (COMM. 23E-15) Section 520 Exemption Charges for 2018

Item 60 – (COMM. 23E-16) 2018 Levy of Town and Special District Budgets

Item 61 – (COMM. 23E-17) Downtown Pedestrian/Transit Mall Special District - Adoption of Mall District Service Charge Roll for 2018

The above six items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 62 – (COMM. 23E-18) Risk Retention Report for Oct. 2017

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 63 – (COMM. 23E-19) Department of Health - STD Disease Intervention Grant - Personnel Transfers

Item 64 – (COMM. 23E-20) Department of Health - Acceptance of Grant Award - Comprehensive Addiction and Recovery Act

Item 65 – (COMM. 23E-21) Department of Health - Authorization to Contract to Collect Revenue for Services Rendered

Item 66 – (COMM. 23E-22) Department of Social Services Division of Youth Services - Child Care Provider Training & Referral Services to Families

Item 67 – (COMM. 23E-23) Department of Social Services Division of Youth Services - Youth Enhancement Employment & Support Service

Item 68 – (COMM. 23E-24) Department of Mental Health - Authorization to Accept Grant Funding and Amend Contracts Due to SAMHSA Sub Award for NYS ACHIEVE - Revised

Item 69 – (COMM. 23E-25) Appointments to the EC Mental Hygiene Community Services Board

The above seven items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 70 – (COMM. 23E-26) Department of Central Police Services - Child Passenger Safety Program 2017

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM LEGISLATOR RATH**

Item 71 – (COMM. 23E-27) Letter to County Executive Regarding Recommendation for Appointment to the EC Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE CLERK OF THE LEGISLATURE**

Item 72 – (COMM. 23D-1) Notice to Legislators of Special Meeting of the Erie County Legislature Regarding the Proposed 2018 Erie County Budget

Item 73 – (COMM. 23D-2) Documents Received Regarding Proposed 2018 Erie County Budget

Item 74 – (COMM. 23D-3) Documents Received Regarding Agricultural District Open Enrollment Requests

Item 75 – (COMM. 23D-4) Minutes of Public Hearing Regarding EC Sewer Districts 2017 Assessment Rolls (2018 Levy)

Item 76 – (COMM. 23D-5) NYS DEC Documents Received

The above five items were received and filed.

FROM THE DEPARTMENT OF LAW

Item 77 – (COMM. 23D-6) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE DIRECTOR, DEPARTMENT OF BUDGET & MANAGEMENT

Item 78 – (COMM. 23D-7) Budget Monitoring Report for Period Ending Sept. 2017

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 79 – (COMM. 23M-1) Letters of Support for Proposed 2018 Budget Funding

Received and filed.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 80 – (COMM. 23M-2) Minutes of Board of Directors Meetings & Financial Statements

Received and filed.

FROM THE NFTA

Item 81 – (COMM. 23M-3) Oct. 26, 2017 Board Minutes

Received and filed.

FROM VISIT BUFFALO NIAGARA

Item 82 – (COMM. 23M-4) 3rd Quarter 2017 Reports & Financial Statements

Received and filed.

FROM THE MWBE UTILIZATION ADVISORY BOARD

Item 83 – (COMM. 23M-5) Jul. 31, 2017 Meeting Minutes

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

### **ANNOUNCEMENTS**

Item 84 – CHAIR MILLS announced the committee schedule for Dec. 14, 2017 has been distributed.

Item 85 – CHAIR MILLS announced the next regularly scheduled legislative session is Dec. 21, 2017.

Item 86 – LEGISLATOR SAVAGE congratulated the College at Brockport Golden Eagles football team on advancing to the NCAA semifinals, and announced a watch party Dec. 9, 2017, 3:15 p.m. at Santoras Pizza Pub & Grill, 1402 Millersport Hwy, Williamsville, NY 14221, and wished the team well.

### **MEMORIAL RESOLUTIONS**

Item 87 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of David Wayne Manning.

Item 88 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Thomas J. Santa Lucia.

Item 89 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Clarke E. Eaton Jr and Salvatore A. Valvo.

Item 90 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of the lives lost at the attack on Pearl Harbor, December 7, 1941.

Item 91 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Olive “Mary” Grimaldi.

### **ADJOURNMENT**

Item 92 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, December 21, 2017 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, December 21, 2017 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**